

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HONEYWELL INTERNATIONAL, INC.
and HONEYWELL INTELLECTUAL
PROPERTIES, INC.,

Plaintiffs,

v.

Case No. 02-73948

ITT INDUSTRIES, INC., ITT
AUTOMOTIVE, INC., TG NORTH
AMERICA CORPORATION, TG
FLUID SYSTEMS USA
CORPORATION, and A. RAYMOND,
INC.,

HONORABLE AVERN COHN

Defendants.

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ORDER GRANTING MOTION TO AMEND ENTRY OF FINAL JUDGMENT

This is a patent case. Plaintiffs Honeywell International, Inc. and Honeywell Intellectual Properties, Inc., holders of U.S. Patent No. 5,164,879 (the '879 patent) and Reexamination Certificate B1 5,164,879 covering an "Electrostatically Dissipative Fuel Filter," sued defendants ITT Industries, Inc., ITT Automotive, Inc., TG North America Corporation, TG Fluid Systems USA Corporation, and A. Raymond, Inc. for infringement of the '879 patent.

On April 8, 2005, the Court found for defendants that the '879 patent was not infringed and granted summary judgment in favor of defendants.¹

At the same time, the Court BIFURCATED for separate trial and STAYED further

¹The Court read its decision into the record, subject to further revision and expansion by a written order.

proceedings on defendants' counter-claims for indemnification and a finding that the case is exceptional until such time as the decision on non-infringement becomes final in all respects. The Court also directed the Deputy Clerk to enter a final judgment of non-infringement in favor of defendants under Fed. R. Civ. P. 54(b).

Before the Court is ITT Automotive, Inc.'s motion to amend the final judgment under Fed. R. Civ. P. 59(e) to include the following:

1. to state that ITT Automotive, Inc. has prevailed on its counterclaim for non-infringement; and
2. to dismiss ITT's Automotive, Inc.'s counterclaim for patent invalidity without prejudice.

The motion is GRANTED. The Deputy Clerk is directed to prepare an amended final judgment as indicated above.

Entry of the amended judgment affects only the ITT defendants (ITT Automotive, Inc. and ITT Industries, Inc.) and fully resolves the litigation as to the ITT defendants except for the matter of costs. The amended judgment does not affect the stay of the remaining defendants' counterclaims.

SO ORDERED.

Dated: April 27, 2005

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, April 27, 2005, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160

